



South Carolina Department of Public Safety  
Office of Professional Responsibility

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TO: Director Smith                      DATE: December 9, 2014  
FROM: Susanne                              CASE #: PR-2105-14-0045-D  
THRU: Chief Phelps                      SUBJECT: Case Closing

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- |   |  |
|---|--|
| <input type="checkbox"/> Correct and Return   | <input type="checkbox"/> Take Appropriate Action |
| <input type="checkbox"/> Complaint Intake     | <input type="checkbox"/> Case Assignment         |
| <input type="checkbox"/> For Your Information | <input checked="" type="checkbox"/> For Approval |
- 

The attached case on F/Sgt. R. W. Castles, SCHP, Troop 5, has been returned for closing. The allegation against First Sergeant Castles was "Sustained" and he was suspended for one (1) day (8 hours).

If you approve the case is ready to be closed.

RECEIVED  
DIP  
1411096  
Initials  
Redacted  
Action Requested  
Final Action

# ACTION MEMORANDUM



<b>SUBJECT:</b> Review & Close-out of OPR Investigation # <b>PR-2105-14-0045-D</b> First Sergeant Robert W. Castles HP – Troop #5		<b>DATE:</b> December 3, 2014	
<b>TO:</b> Leroy Smith Director		<b>THROUGH:</b> Kenneth Phelps Chief, Office of Professional Responsibility	<b>FROM:</b> Tosha L. Autry Director, Office of Human Resources
<b>Initials Redacted</b>			
<b>ACTION REQUIRED:</b> Review and Approve Close-out of Investigation # <b>PR-2105-14-0045-D</b>			
<b>FINAL ACTION BY:</b> Director: X		<b>DUE DATE:</b> At your convenience.	
<p><b>SUMMARY:</b> An internal investigation was conducted by the Department's Office of Professional Responsibility ("OPR") which revealed that Lance Corporal Preston Bethea was not properly conducting speed measuring device ("SMD") field proficiency tests for his students, despite his being responsible for doing so as an SMD instructor. As part of the SMD recertification, students are required to take an online course and satisfactorily pass an exam at the end of the course. Students are made aware during the SMD course that the field proficiency must be completed with an instructor within two (2) weeks of completing the online test. The investigation also confirmed Lance Corporal Bethea falsified official training documents and fraudulently certified 33 officers (27 of whom were troopers) in the use of RADAR and/or LIDAR. The investigation further revealed that First Sergeant Castles, the Post Commander, had also obtained his RADAR recertification with Lance Corporal Bethea on November 7, 2012.</p> <p>According to the investigation, First Sergeant Castles acknowledged that he was responsible for not assuring that the troopers under his command were properly completing the proficiency portion of the SMD training. First Sergeant Castles explained that as part of the recertification for RADAR/LIDAR, an online course and test must be completed and a certificate printed out to show successful completion. First Sergeant Castles stated that after he and the other troopers printed their certificates, they would place that certificate inside Lance Corporal Bethea's mailbox at the patrol office as an indicator that the troopers needed to complete a field proficiency to conclude their recertification. Even after First Sergeant Castles placed his certificate in Lance Corporal Bethea's mailbox, First Sergeant Castles neglected to follow up with him to check the status of his own RADAR certification. First Sergeant Castles did not actively take part in scheduling troopers to do the field proficiency with Lance Corporal Bethea, but First Sergeant Castles allowed each trooper to coordinate this training on an individual basis. First Sergeant Castles stated that he was not aware that troopers under his command were not completing field proficiencies, but that he should have realized when his own proficiency was never performed that it was probable that other troopers were not completing their proficiencies with Lance Corporal Bethea either.</p> <p>In addition to the foregoing offense, First Sergeant Castles also violated the Department's Disciplinary Action Policy and Guidelines for <b>Negligence in Following Rules, Regulations, Policies or Procedures</b> for neglecting to detect that proper protocol was not being followed by Lance Corporal Bethea when he failed to schedule a specific time for First Sergeant Castles to conduct a field proficiency test. Had First Sergeant Castles taken appropriate supervisory action, he could have stopped others from being improperly certified. Specifically, the investigation showed that thirteen of the twenty-seven troopers who engaged in this conduct did so after First Sergeant Castles had participated in this practice himself.</p> <p>After a review of the incident, First Sergeant Castles was suspended without pay for one (1) day (8 hours), effective Friday, August 8, 2014, for <b>Negligence in the Performance of Supervisory Responsibilities</b> in</p>			

violation of South Carolina Department of Public Safety ("SCDPS") Policy #400.08 (*Disciplinary Action*) and #400.08G (*Guidelines for Progressive Disciplinary Action*). A copy of the letter of discipline is attached. It is recommended that the OPR investigation be closed at this time. If you concur, please initial this action memorandum.

	AD	BPS	CJA	FA C	H P	OHR	IT	MV	OCS	OFM	OGC	OPR	OSG	PO	RMO	STP
Initials						JB						Initials redacted				
Date						12/3/14						12-10-14				

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## South Carolina Department of Public Safety

August 1, 2014

**HAND-DELIVERED**

First Sergeant Robert W. Castles  
[REDACTED]

Dear First Sergeant Castles:

This letter is to officially inform you that you are hereby suspended without pay for one (1) day (8 hours), effective Friday, August 8, 2014, for **Negligence in the Performance of Supervisory Responsibilities** in violation of South Carolina Department of Public Safety ("SCDPS") Policy #400.08 (*Disciplinary Action*) and #400.08G (*Guidelines for Progressive Disciplinary Action*).

On June 30, 2014, the SCDPS Office of Professional Responsibility's investigation revealed that Lance Corporal Preston Bethea was not properly conducting speed measuring device ("SMD") field proficiency tests for his students, despite his being responsible for doing so as an SMD instructor. As part of the SMD recertification, students are required to take an online course and satisfactorily pass an exam at the end of the course. Students are made aware during the SMD course that the field proficiency must be completed with an instructor within two (2) weeks of completing the online test. The investigation also confirmed Lance Corporal Bethea falsified official training documents and fraudulently certified 33 officers (27 of whom were troopers) in the use of RADAR and/or LIDAR. The investigation further revealed that you, the Post Commander, had also obtained your RADAR recertification with Lance Corporal Bethea on November 7, 2012.

According to the investigation, you acknowledged that you were responsible for not assuring that the troopers under your command were properly completing the proficiency portion of the SMD training. You explained that as part of the recertification for RADAR/LIDAR, an online course and test must be completed and a certificate printed out to show successful completion. You stated that after you and the other troopers printed your certificates, you would place that certificate inside Lance Corporal Bethea's mailbox at the patrol office as an indicator that the troopers needed to complete a field proficiency to conclude their recertification. Even after you placed your certificate in Lance Corporal Bethea's mailbox, you neglected to follow up with him to check the status of your own RADAR certification. You did not actively take part in scheduling troopers to do the field proficiency with Lance Corporal Bethea, but you allowed each trooper to coordinate this training on an individual basis. You stated that you were not aware that troopers under your command were not completing field proficiencies, but that you should have realized when your proficiency was never performed that it was probable that other troopers were not completing their proficiencies with Lance Corporal Bethea either.

First Sergeant Robert W. Castles  
August 1, 2014  
Page 2

In addition to the foregoing offense, you also violated the Department's Disciplinary Action Policy and Guidelines for **Negligence in Following Rules, Regulations, Policies or Procedures** for neglecting to detect that proper protocol was not being followed by Lance Corporal Bethea when he failed to schedule a specific time for you to conduct a field proficiency test. Had you taken appropriate supervisory action, you could have stopped others from being improperly certified. Specifically, the investigation showed that thirteen of the twenty-seven troopers who engaged in this conduct did so after you had participated in this practice yourself. These violations demonstrate behavior that fell below SCDPS standards, as supervisory personnel are expected to set an example for their subordinates. It is troubling that as a law enforcement officer in a supervisory position you conducted yourself in such a manner.

You should be aware that any further violations will result in additional disciplinary action, up to and including termination. If you wish to appeal this action, you should do so in accordance with the enclosed grievance procedure policy. Any questions regarding this matter should be directed to Major Warren.

Sincerely,  
Signature Redacted

Leroy Smith  
Director

Enclosure: DPS Grievance Policy

cc: Colonel Michael R. Oliver  
Lt. Col. Christopher N. Williamson  
Major Melvin Warren

My signature acknowledges that I received this document and its contents were discussed with me.

Employee Signature

Signature Redacted

Date

8/5/14

**THIS DOCUMENT WILL BECOME PART OF YOUR PERSONNEL FILE**



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY  
OPR INVESTIGATION CLOSING FORM

CASE FILE #PR-2105-14-0045-D

NAME: R. W. Castles

Signature Redacted

Kenneth D. Phelps  
Chief

7-22-2014

Date

Leroy Smith  
Director

7-28-2014

Date

Signature Redacted

Deputy Director/ Department Head

7/30/14

Date

Sustained-Employee's action violated Department Policy, procedures or guidelines.

*The above does not require justifications since disciplinary action should result.*

**REVIEWER: CHECK CONCLUSION & SUBMIT WRITTEN JUSTIFICATION FOR CLOSURE**

Not Sustained-Insufficient evidence exists to either prove or disprove allegation.

Unfounded-Alleged misconduct did not occur.

Exonerated-Employee's action occurred as alleged, but was within policy and authorized by law.

Comments:

Comments: *Concur. DRC. First Sgt Castles received a one (1) day suspension (8 hours) for Negligence in the Performance of Supervisory Responsibility effective August 8, 2014.*

Administrator: Office of Human Resources

12/4/14

Date

**FINAL ACTION: AUTHORITY TO CLOSE CASE**

Signature Redacted

Kenneth D. Phelps  
Chief

12-10-2014

Date

Signature Redacted

Leroy Smith  
Director

12/10/14

Date



000049151

### FILE TRANSFER

**TO:** Tosha Autry, Director  
Office of Human Resources

**THRU:** Colonel Michael R. Oliver  
SC Highway Patrol

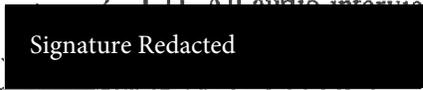
**FROM:** Leroy Smith, Director  
SC Department of Public Safety

**DATE:** July 10, 2014

**SUBJECT:** OPR File #PR-2105-14-0045-D  
First Sergeant R. W. Castles, Troop 5

This is acknowledgement of receipt of the below listed portion or copy of the above referenced case file. We request that you review the file and forward it, along with your recommendation for any personnel action, to the Office of Human Resources for their review and action. We request that the recommendations and action be recorded on the Case Disposition Form attached to the inside cover of the report. We also request that the file be returned to the Office of Professional Responsibility once all actions have been concluded. Please be advised that these files are confidential and must not be copied, distributed, or retained.

1. OPR File #PR-2105-14-0045-D
2. CD - All exit interviews

Delivered by:		Date:	<u>7/29/14</u>
Received by:		Date:	<u>7/27/14</u>
Forwarded by:	_____	Date:	_____
Forwarded to:	_____	Date:	_____
Received by:	_____	Date:	_____
Returned by:	_____	Date:	_____



**OFFICE  
OF  
PROFESSIONAL RESPONSIBILITY**

**OPR File #PR-2105-14-0045- D**

**Investigated by: Investigator L. E. Bowers** Initials  
Redacted

**Reviewed by: Chief K. D. Phelps**

**Date: 7-11-2014**



South Carolina Department of Public Safety  
Office of Professional Responsibility

**INVESTIGATIVE REPORT**

**Case Number: PR-2105-14-0045- D**

**SUBJECT:** First Sergeant R. W. Castles  
South Carolina Highway Patrol (SCHP)  
Troop 5 Post B

**COMPLAINANT:** Colonel M. R. Oliver, Commander  
South Carolina Highway Patrol (SCHP)

**INVESTIGATOR:** Investigator L. E. Bowers  
Office of Professional Responsibility (OPR)

**ALLEGATION:** First Sergeant Castles failed in his duties as a Post Commander in ensuring that subordinates under his authority were completing required training to operate RADAR and/or LIDAR

**ALLEGATION:** First Sergeant Castles knowingly allowed Lance Corporal Bethea to recertify his qualifications without completing the required field proficiency test

**INVESTIGATIVE PREDICATE**

On May 12th, 2014, the Office of Professional Responsibility initiated an investigation into alleged improper conduct against Lance Corporal P. B. Bethea of the South Carolina Highway Patrol Troop 5, Post B. The specific nature of the investigation involved Lance Corporal Bethea falsifying official training documents and fraudulently certifying officers in the use of RADAR and/or LIDAR. The allegations against Lance Corporal Bethea were sustained through OPR's investigation. Through the initial investigation, it was discovered that First Sergeant Castles, along with 26 other troopers under his command, were fraudulently certified in the use of RADAR and/or LIDAR. As a result, an investigation was initiated against First Sergeant R. W. Castles, Post Commander of Troop 5 Post B, to determine if he was negligent in his duties as a supervisor. On June 30<sup>th</sup>, 2014, this case was assigned to Investigator Bowers.



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### INVESTIGATION

As part of this investigation, Investigator Bowers reviewed the Speed Measuring Device Road Proficiency Test Forms from the South Carolina Criminal Justice Academy of twenty seven state troopers of the South Carolina Highway Patrol; First Sergeant Robert Castles (**Exhibit 1**), Sergeant James Segars (**Exhibit 2**), Sergeant David Whatley (**Exhibit 3**), Corporal James Roberts (**Exhibit 4**), Corporal David Dean (**Exhibit 5**), Corporal Frank Cherry (**Exhibit 6**), Corporal Charles Lowder (**Exhibit 7**), Trooper Kevin Bazen (**Exhibit 8**), Trooper Joseph Bell (**Exhibit 9**), Trooper Whitney Benton (**Exhibit 10**), Trooper Leslie Byrd (**Exhibit 11**), Trooper John Ellis (**Exhibit 12**), Trooper Bobby Faircloth (**Exhibit 13**), Trooper Walton Flowers (**Exhibit 14**), Trooper Lawrence Floyd (**Exhibit 15**), Trooper Richard Gannon (**Exhibit 16**), Trooper Victor Hardin (**Exhibit 17**), Trooper James Hicks (**Exhibit 18**), Trooper Samuel Ingram (**Exhibit 19**), Trooper Jason Jones, (**Exhibit 20**), Trooper Jimmy King (**Exhibit 21**), Trooper William Lee (**Exhibit 22**), Trooper Norman McDaniel(**Exhibit 23**), Trooper William McInville (**Exhibit 24**), Trooper Michael McKenzie (**Exhibit 25**), Trooper Paul Morrison (**Exhibit 26**), and Trooper Larry Poston (**Exhibit 27**).

The aforementioned documents revealed the following:

#### **Review of SMD Road Test Proficiency Form for First Sergeant Castles**

Investigator Bowers reviewed First Sergeant Castles' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 1**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "R. W. Castles" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was November 7, 2012.

#### **Review of SMD Road Test Proficiency Form for Sergeant Segars**

Investigator Bowers reviewed Sergeant Segars' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 2**). The proficiency forms were complete with testing scores with the exception of the LIDAR testing where it was written "student is not LIDAR certified". Sergeant Segar's signature was written beside student signature and Lance Corporal Bethea's signature was written beside instructor signature. The testing date shown was September 11, 2012.

#### **Review of SMD Road Test Proficiency Form for Sergeant Whatley**

Investigator Bowers reviewed Sergeant Whatley's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 3**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "D. Whatley" for student



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### Office of Professional Responsibility

signature and the signature of Lance Corporal Bethea as the instructor. The testing date was shown as February 12, 2013.

#### **Review of SMD Road Test Proficiency Form for Corporal Roberts**

Investigator Bowers reviewed Corporal Roberts' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 4**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the signatures of Corporal Roberts as the student and Lance Corporal Bethea as the instructor. The testing date shown was is September 23, 2012.

#### **Review of SMD Road Test Proficiency Form for Corporal Dean**

Investigator Bowers reviewed Corporal Dean's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 5**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "D. A. Dean" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was November 18, 2012.

#### **Review of SMD Road Test Proficiency Form for Corporal Cherry**

Investigator Bowers reviewed Corporal Cherry's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 6**). The proficiency forms are complete with testing scores with the exception of the LIDAR testing where it appeared the testing for LIDAR certification was not conducted. The RADAR proficiency forms contained the printed name "F. Cherry" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was December 19, 2012.

#### **Review of SMD Road Test Proficiency Form for Corporal Lowder**

Investigator Bowers reviewed Corporal Lowder's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 7**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "C. H. Lowder" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was November 18, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Bazen**

Investigator Bowers reviewed Lance Corporal Bazen's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 8**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "K. Bazin" (misspelled) for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was November 13, 2012.



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#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Bell**

Investigator Bowers reviewed Lance Corporal Bell's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 9**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "J. D. Bell" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was November 21, 2012.

#### **Review of SMD Road Test Proficiency Forms for Senior Trooper Benton**

Investigator Bowers reviewed Senior Trooper Benton's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 10**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "W. Benton" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date shown was November 21, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Byrd**

Investigator Bowers reviewed Lance Corporal Byrd's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 11**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the signature of Lance Corporal Byrd as the student and the signature of Lance Corporal Bethea as the instructor. The testing date shown was September 23, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Ellis**

Investigator Bowers reviewed Lance Corporal Ellis' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 12**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the signature of Lance Corporal Ellis as the student and Lance Corporal Bethea as the instructor. The testing date shown is was September 3, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Faircloth**

Investigator Bowers reviewed Lance Corporal Faircloth's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 13**). The proficiency forms were complete with testing scores from testing with RADAR and contained the printed name "B. Faircloth" for student signature and the signature of Lance Corporal Bethea as the instructor. The LIDAR proficiency forms were left blank. The testing date was shown as December 19, 2012.



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#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Flowers**

Investigator Bowers reviewed Lance Corporal Flowers' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 14**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "W. Flowers" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date was shown as December 28, 2012.

#### **Review of SMD Road Test Proficiency Forms for Senior Trooper Floyd**

Investigator Bowers reviewed Senior Trooper Floyd's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 15**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "L. B. Floyd" for student signature and the signature of Lance Corporal Bethea as instructor. The testing date was shown as January 31, 2013.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Gannon**

Investigator Bowers reviewed Lance Corporal Gannon's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 16**). The proficiency forms were complete with testing scores from testing with RADAR and contained the printed name "R. J. Gannon" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as January 9, 2014. There were no LIDAR testing forms included among Lance Corporal Gannon's proficiency forms.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Hardin**

Investigator Bowers reviewed Lance Corporal Hardin's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 17**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "V. Hardin" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as February 13, 2013.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Hicks**

Investigator Bowers reviewed Lance Corporal Hicks' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 18**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "J. T. Hicks" for student signature and the signature of Lance Corporal Bethea as the instructor. The testing date was shown as November 2, 2012.



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#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Ingram**

Investigator Bowers reviewed Lance Corporal Ingram's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 19**). The proficiency forms were complete with testing scores from testing with RADAR and contained the printed name "S. Ingram" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as October 8, 2012. The LIDAR proficiency form did not contain any testing data.

#### **Review of SMD Road Test Proficiency Forms for Trooper First Class Jones**

Investigator Bowers reviewed Trooper First Class Jones' Speed Measuring Device Road Test Proficiency Forms (**Exhibit 20**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the signatures of Trooper First Class Jones as the student and Lance Corporal Bethea as the instructor. The testing date was shown as July 4, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal King**

Investigator Bowers reviewed Lance Corporal King's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 21**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "J. B. King" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as December 19, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Lee**

Investigator Bowers reviewed Lance Corporal Lee's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 22**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "W. M. Lee" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as January 2, 2013.

#### **Review of SMD Road Test Proficiency Forms for Senior Trooper McDaniel**

Investigator Bowers reviewed Senior Trooper McDaniel's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 23**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "C. McDaniel" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as September 1, 2012.



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#### **Review of SMD Road Test Proficiency Forms for Senior Trooper McInville**

Investigator Bowers reviewed Senior Trooper McInville's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 24**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "W. McInville" for student signature and Lance Corporal Bethea's signature as the instructor. The testing date was shown as September 13, 2012.

#### **Review of SMD Road Test Proficiency Forms for Trooper First Class McKenzie**

Investigator Bowers reviewed Trooper First Class McKenzie's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 25**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the signatures of Trooper First Class McKenzie as the student and Lance Corporal Bethea as the instructor. The testing date was shown as July 4, 2012.

#### **Review of SMD Road Test Proficiency Forms for Trooper First Class Morrison**

Investigator Bowers reviewed Trooper First Class Morrison's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 26**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the signatures of Trooper First Class Morrison as the student and Lance Corporal Bethea as the instructor. The testing date was shown as July 4, 2012.

#### **Review of SMD Road Test Proficiency Forms for Lance Corporal Poston**

Investigator Bowers reviewed Lance Corporal Poston's Speed Measuring Device Road Test Proficiency Forms (**Exhibit 27**). The proficiency forms were complete with testing scores from testing with RADAR and LIDAR and contained the printed name "Larry Poston" with what appeared to be his signature beside it in the space for student signature. Lance Corporal Bethea's signature was written beside instructor signature. The testing date was shown as September 1, 2012.

### INTERVIEW OF COMPLAINANT

This incident was reported to OPR by Colonel M. R. Oliver.



South Carolina Department of Public Safety  
Office of Professional Responsibility

INTERVIEW OF WITNESS

**Sergeant James Segars, S.C. Highway Patrol**

On May 16, 2014, Investigator Bowers obtained a sworn statement from Sergeant J. A. Segars of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Sergeant Segars was shown the Speed Measuring Device Field Proficiency Test Form dated September 11, 2012, containing his information and the signatures of Sergeant Segars as the student and Lance Corporal Bethea as the instructor. Sergeant Segars stated that the signature shown was his but he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Sergeant Segars stated he had issued speeding citations using his speed measuring device since September 11, 2012.

**Sergeant David Whatley, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Sergeant D. E. Whatley of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Sergeant Whatley was shown the Speed Measuring Device Field Proficiency Test Form dated February 12, 2013, containing his information and name printed as "D. Whatley" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Sergeant Whatley stated the signature written was not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Sergeant Whatley stated he had issued speeding citations using his speed measuring device since February 12, 2013.

**Corporal Frank Cherry, S.C. Highway Patrol**

On May 16, 2014, Investigator Bowers obtained a sworn statement from Corporal F. T. Cherry of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Corporal Cherry was shown the Speed Measuring Device Field Proficiency Test Form dated December 19, 2012, containing his information and name printed as "F. Cherry" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P B Bethea. Corporal Cherry stated that the signature shown was not his signature and he had not completed a field proficiency test using the speed measuring device with Lance Corporal



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Bethea as indicated. Corporal Cherry stated that he had issued speeding citations using his speed measuring device since December 19, 2012.

#### **Corporal David Dean, S.C. Highway Patrol**

On May 15, 2014, Investigator Bowers obtained a sworn statement from Corporal D. A. Dean of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Corporal Dean was shown the Speed Measuring Device Field Proficiency Test Form dated November 18, 2012, containing his information and name printed as "D. A. Dean" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Corporal Dean stated that the signature shown was not his signature and he did not recall completing a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated in 2012. Investigator Boehm conducted a follow up interview with Corporal Dean on May 20, 2012 to determine if Corporal Dean had issued any citations using his speed measuring device since November 18, 2012. Corporal Dean stated he had issued speeding citations since November 18, 2012.

#### **Corporal Charles Lowder, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Corporal C. H. Lowder of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Corporal Lowder was shown the Speed Measuring Device Field Proficiency Test Form dated November 18, 2012, containing his information and name printed as "C. H. Lowder" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Corporal Lowder stated that the signature shown was not his signature and he had not completed a field proficiency test with the speed measuring device with Lance Corporal Bethea as indicated. Corporal Lowder stated that he had issued speeding citations using his speed measuring device since November 18, 2012.

#### **Corporal James Roberts, S.C. Highway Patrol**

On May 16, 2014, Investigator Ryan obtained a sworn statement from Corporal J. J. Roberts of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Corporal Roberts was shown the Speed Measuring Device Field Proficiency Test Form dated September 23, 2012, containing his information and signature in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Corporal Roberts stated the signatures shown on the forms were his signatures however; he did



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not complete a field proficiency test with the speed measuring device with Lance Corporal Bethea as indicated in 2012. Corporal Roberts stated he had issued speeding citations using his speed measuring device since September 23, 2012.

#### **Lance Corporal Kevin Bazen, S.C. Highway Patrol**

On May 16, 2014, Investigator Ryan obtained a sworn statement from Lance Corporal K.P. Bazen of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Bazen was shown the Speed Measuring Device Field Proficiency Test Form dated September 13, 2012, containing his information and name printed as "K. Bazin" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Bazen stated that the signature shown on the form was not his signature and his last name is misspelled. Lance Corporal Bazen stated he had not completed a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Bazen stated he had issued speeding citations using his speed measuring device since September 13, 2012.

#### **Lance Corporal Joseph Bell, S.C. Highway Patrol**

On May 14, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal J. D. Bell of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Bell was shown the Speed Measuring Device Field Proficiency Test Form dated November 21, 2012, containing his information and name printed as "J. D. Bell" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Bell stated that signature shown was not his signature and he had not completed a field proficiency test with the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Bell stated he had issued speeding citations using his speed measuring device since November 21, 2012.

#### **Lance Corporal Leslie Byrd, S.C. Highway Patrol**

On May 14, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal L. G. Byrd of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Byrd was shown the Speed Measuring Device Field Proficiency Test Form dated September 23, 2012, containing his information and signature in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea.



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Lance Corporal Byrd stated that the signature shown on the forms were not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Byrd stated he had issued speeding citations using his speed measuring device since September 23, 2012.

#### **Lance Corporal Bobby Faircloth, S.C. Highway Patrol**

On May 16, 2014, Investigator Ryan obtained a sworn statement from Lance Corporal B. Faircloth of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Faircloth was shown the Speed Measuring Device Field Proficiency Test Form dated December 19, 2012, containing his information and name printed as "B. Faircloth" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Faircloth stated the signature shown on the form was not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Faircloth stated he had issued speeding citations using his speed measuring device since December 19, 2012.

#### **Lance Corporal Walton Flowers, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal W. C. Flowers of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Flowers was shown the Speed Measuring Device Field Proficiency Test Form dated December 28, 2012, containing his information and name printed as "W. Flowers" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Flowers stated that the signature shown on the forms were not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Flowers stated he had issued speeding citations using his speed measuring device since December 28, 2012.

#### **Lance Corporal Richard Gannon, S.C. Highway Patrol**

On May 16, 2014, Investigator Bowers obtained a sworn statement from Lance Corporal R. J. Gannon of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Gannon was shown the Speed Measuring Device Field Proficiency Test Form dated January 9, 2014, containing his information and name printed as "R. J. Gannon" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Gannon stated that the signature shown on the forms



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were not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Gannon stated he had issued speeding citations using his speed measuring device since January 9, 2014.

#### **Lance Corporal Victor Hardin, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal V. R. Hardin of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Hardin was shown the Speed Measuring Device Field Proficiency Test Form dated February 13, 2013, containing his information and name printed as "V Hardin" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Hardin stated that the signature shown on the forms were not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Hardin stated he had issued speeding citations using his speed measuring device since February 13, 2013.

#### **Lance Corporal Samuel Ingram, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal S. J. Ingram of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Ingram was shown the Speed Measuring Device Field Proficiency Test Form dated October 8, 2012, containing his information and name printed as "S. Ingram" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Ingram stated that the signature shown was not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Ingram stated he had issued speeding citations using his speed measuring device since October 8, 2012.

#### **Lance Corporal Jimmy King, S.C. Highway Patrol**

On May 16, 2014, Investigator Bowers obtained a sworn statement from Lance Corporal J. B. King of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal King was shown the Speed Measuring Device Field Proficiency Test Form dated December 19, 2012, containing his information and name printed as "J. B. King" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal King stated that the signature shown was not his signature and he



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did not complete a field proficiency test using the Speed Measuring Device with Lance Corporal Bethea as indicated. Lance Corporal King stated he had issued speeding citations using his speed measuring device since December 19, 2012.

#### **Lance Corporal William Lee, S.C. Highway Patrol**

On May 14, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal W. M. Lee of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Lee was shown the Speed Measuring Device Field Proficiency Test Form dated January 2, 2013, containing his information and name printed as "W. M. Lee" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Lee stated that the signature shown was not his signature and he did not complete a field proficiency test using the Speed Measuring Device with Lance Corporal Bethea as indicated.

In a follow up interview on May 19, 2014, Investigator Boehm spoke with Lance Corporal Lee on the phone and obtained a recorded statement regarding if Lance Corporal Lee had issued any speeding citations using his speed measuring device since his recertification. Lance Corporal Lee stated that he had issued speeding citations since his recertification with Lance Corporal Bethea.

#### **Lance Corporal Larry Poston, S.C. Highway Patrol**

On May 16, 2014, Investigator Bowers obtained a sworn statement from Lance Corporal L. N. Poston of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Poston was shown the Speed Measuring Device Field Proficiency Test Form dated September 1, 2012, containing his information and name printed as "Larry Poston" along with his signature beside his printed name in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P B Bethea. Lance Corporal Poston stated that the signature shown was not his signature and he did not complete a field proficiency test using his speed measuring device with Lance Corporal Bethea as indicated. Lance Corporal Poston stated he had issued speeding citations using his speed measuring device since September 1, 2012.



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#### **Lance Corporal John Ellis, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Lance Corporal J. W. Ellis of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Ellis was shown the Speed Measuring Device Field Proficiency Test Form dated September 3, 2012, containing his information and name printed as "J. W. Ellis" along with his signature beside his printed name in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Lance Corporal Ellis stated that his name written in print was not done by him but the signature shown was his signature. Lance Corporal Ellis stated that he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea. Lance Corporal Ellis stated he has issued speeding citations using his speed measuring device since September 3, 2012.

#### **Senior Trooper Whitney Benton, S.C. Highway Patrol**

On May 15, 2014, Investigator Bowers obtained a sworn statement from Senior Trooper W. B. Benton of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Senior Trooper Benton was shown the Speed Measuring Device Field Proficiency Test Form dated November 21, 2012, containing his information and name printed as "W. Benton" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Senior Trooper Benton stated the signature written was not his signature and he did not complete a field proficiency test using the speed measuring device with Lance Corporal Bethea as indicated.

A follow up interview with Senior Trooper Benton was conducted on May 19, 2014 by Investigator Bowers and Investigator Boehm to determine if Senior Trooper Benton has issued speeding citations since November 21, 2012. Senior Trooper Benton stated he had issued speeding citations using his speed measuring device since November 21, 2012.

#### **Senior Trooper Lawrence Floyd, S.C. Highway Patrol**

On May 16, 2014, Investigator Ryan obtained a sworn statement from Senior Trooper L. B. Floyd of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Senior Trooper Floyd was shown the Speed Measuring Device Field Proficiency Test Form dated January 31, 2013, containing his information and name printed as "L. B. Floyd" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor signature as P. B. Bethea. Senior Trooper Floyd stated that the signature written was



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not his signature and he did not complete a field proficiency test with Lance Corporal Bethea as indicated. Senior Trooper Floyd stated he had issued speeding citations using his speed measuring device since January 31, 2013.

#### **Senior Trooper Norman McDaniel, S.C. Highway Patrol**

On May 14, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Senior Trooper N. C. McDaniel of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Senior Trooper McDaniel was shown the Speed Measuring Device Road Proficiency Test Form dated September 1, 2012, containing his information and name printed a "C. McDaniel" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. Senior Trooper McDaniel stated the signature written was not his signature and he did not complete a field proficiency test with Lance Corporal Bethea as indicated.

A follow up interview was conducted by phone on May 19, 2014 by Investigator Bowers to determine if Senior Trooper McDaniel had issued any speeding citations since September 1, 2012. Senior Trooper McDaniel stated he had issued speeding citations using his speed measuring device since September 1, 2012.

#### **Senior Trooper William McInville, S.C. Highway Patrol**

On May 16, 2014, Investigator Ryan obtained a sworn statement from Senior Trooper W. A. McInville of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Senior Trooper McInville was shown the Speed Measuring Device Road Proficiency Test Form dated September 13, 2012, containing his information and name printed as "W. McInville" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor signature as P. B. Bethea. Senior Trooper McInville stated the signature written was not his signature and he did not complete a field proficiency test with Lance Corporal Bethea as indicated. Senior Trooper McInville stated he had issued speeding citations using his speed measuring device since September 13, 2012.

#### **Trooper First Class Jason Jones, S.C. Highway Patrol**

On May 19, 2014, Investigator Bowes and Investigator Boehm obtained a sworn statement from Trooper First Class J. Jones of the South Carolina Highway Patrol. The following is a synopsis of the conversation:



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Trooper First Class Jones was shown the Speed Measuring Device Road Proficiency Test Form dated July 4, 2012, containing his information and signature in the space provided for student signature. Trooper First Class Jones stated that the signature shown was his signature. Lance Corporal Bethea's signature was shown as P. B. Bethea in the space provided for instructor signature. Trooper First Class Jones stated he did not complete a field proficiency test with Lance Corporal Bethea as indicated. This testing was Trooper First Class Jones' original certification as he previously was not a certified RADAR operator. Trooper First Class Jones stated he had issued speeding citations using his speed measuring device since September 4, 2012.

#### **Trooper First Class Paul Morrison, S.C. Highway Patrol**

On May 14, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from Trooper First Class P. J. Morrison of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Trooper First Class Morrison was shown the Speed Measuring Device Road Proficiency Test Form dated July 4, 2012, containing his information and signature in the space provided for student signature. Trooper First Class Morrison stated he contacted Lance Corporal Bethea about completing the field proficiency test and Lance Corporal Bethea told him that the forms were in his box at the office and he only needed to sign the forms, which he did. Trooper First Class Morrison stated he did not complete a field proficiency test with Lance Corporal Bethea as the forms indicate. Lance Corporal Bethea's signature was shown as the instructor on the testing forms. In a follow up interview on May 19, 2014, Investigator Bowers and Investigator Boehm inquired if Trooper First Class Morrison had issued any speeding citations using his speed measuring device since July 4, 2012. Trooper First Class Morrison stated he had issued speeding citations since July 4, 2012.

#### **Lance Corporal James Hicks, S.C. Highway Patrol**

On May 20, 2014, Investigator Boehm obtained a sworn statement from Lance Corporal Hicks of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Lance Corporal Hicks was shown the Speed Measuring Device Road Test Proficiency Test Form dated November 2, 2012, containing his information and name printed as "J. T. Hicks" in the space provided for student signature. Lance Corporal Bethea's signature was shown in the space provided for instructor signature as P. B. Bethea. Lance Corporal Hicks stated he did not complete a field proficiency test with Lance Corporal Bethea as indicated. Lance Corporal Hicks stated that the signature on the test forms was not his signature. Lance Corporal Hicks



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stated he had issued speeding citations using his speed measuring device since November 2, 2012.

#### **Trooper First Class Michael McKenzie, S.C. Highway Patrol**

On May 16, 2014, Investigator Bowers obtained a sworn statement form Trooper First Class McKenzie of the South Carolina Highway Patrol. The following is a synopsis of the conversation:

Trooper First Class McKenzie was shown the Speed Measuring Device Road Test Proficiency Test Form dated July 4, 2012, containing his information and signature in the space provided for student signature. Lance Corporal Bethea's signature was shown as P. B. Bethea in the space provided for instructor signature. Trooper First Class McKenzie stated he did not complete a field proficiency test with Lance Corporal Bethea as indicated, however, the signature on the test forms was his signature. Trooper First Class McKenzie stated he had issued speeding citations using his speed measuring device since July 4, 2012.

#### INTERVIEW OF SUBJECT

#### **First Sergeant R. W. Castles, South Carolina Highway Patrol**

On May 19, 2014, Investigator Bowers and Investigator Boehm obtained a sworn statement from First Sergeant R. W. Castles in reference to OPR case PR-2105-14-0033-D on Lance Corporal P. B. Bethea. The following is a synopsis of the conversation:

On May 19, 2014, First Sergeant Castles was shown the Speed Measuring Device Field Proficiency Test Form dated November 7, 2012, containing his information and name printed as "R. W. Castles" in the space provided for student signature. Lance Corporal Bethea's signature was shown as the instructor as P. B. Bethea. First Sergeant Castles stated that the signature shown on the test forms was not his signature and he had not completed a field proficiency test using a speed measuring device with Lance Corporal Bethea as indicated. First Sergeant Castles stated that he had not issued any speeding citations using a speed measuring device since November 7, 2012. First Sergeant Castles primarily has administrative duties therefore he does not have a RADAR unit assigned to him.



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On June 30, 2014, Chief Phelps and Investigator Bowers conducted a follow up interview with First Sergeant Castles regarding an allegation of negligent supervising in his position as the Post Commander. The following is a synopsis of the conversation:

First Sergeant Castles was asked to explain the process of how he and the troopers under his command were scheduled to conduct field proficiency tests with Lance Corporal Bethea. First Sergeant Castles stated that the academic portion of the SMD test was completed on the computer under the PowerDMS module. After completing and passing the academic test, there was a certificate to print out showing completion of the first part of SMD recertification. He stated that it was his understanding that troopers would place their certificate in Lance Corporal Bethea's mailbox at the patrol office and that would indicate that they needed to complete a field proficiency test within the required two week time period as instructed during the academic portion of the recertification. First Sergeant Castles acknowledged that he knew he was required to complete the field proficiency and it was reasonable to assume that he also placed his certificate in Lance Corporal Bethea's mailbox also, but he could not specifically recall when this was done. First Sergeant Castles stated that after he placed his certificate in Lance Corporal Bethea's box, it never crossed his mind again that he did not complete his field proficiency. First Sergeant Castles agreed that he should have been more aware of his obligations and that he should have realized when his proficiency was not completed, other troopers under his command probably were not completing their field proficiencies either. First Sergeant Castles insisted that he was not aware prior to the investigation involving Lance Corporal Bethea that his troopers were not completing their proficiencies. However, First Sergeant Castles stated that he takes full responsibility, as the Post Commander, for failing to ensure that his troopers were conducting the field proficiencies required to certify them as RADAR and/or LIDAR operators. First Sergeant Castles stated, "there is no one else to blame but me."

#### CONCLUSION

On May 12, 2014, OPR investigated an allegation of misconduct against Lance Corporal P. B. Bethea of the South Carolina Highway Patrol Troop 5, Post B. The circumstances surrounding the allegations were to ascertain whether Lance Corporal Bethea properly conducted SMD field proficiency tests as a SMD instructor. As part of the SMD recertification, the students are required to take an online course and satisfactorily pass an exam at the end of the course. The students are made aware during the course that the field proficiency must be completed with an instructor within 2 weeks of completing the online test. The investigation revealed that Lance Corporal Bethea was not properly conducting field proficiencies with the students. The investigation confirmed Lance Corporal Bethea falsified official training documents and fraudulently certified 33 officers (27 troopers) in the use of RADAR and/or LIDAR. The investigation further revealed that the Post Commander, First Sergeant R. W. Castles, had also obtained his RADAR recertification with Lance Corporal Bethea on November 7, 2012. On



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June 30<sup>th</sup>, 2014, an investigation was initiated to determine if First Sergeant Castles was negligent in his duties to supervise as the Post Commander. First Sergeant Castles acknowledged that he was responsible for not assuring that the troopers under his command were properly completing the proficiency portion of the SMD training. He explained that as part of the recertification for RADAR/LIDAR, an online course and test must be completed and a certificate printed out to show successful completion. First Sergeant Castles stated after he and the other troopers would print their certificates, they would place that certificate inside Lance Corporal Bethea's mailbox at the patrol office as an indicator that they needed to complete a field proficiency to conclude their recertification. Even after First Sergeant Castles placed his certificate in Lance Corporal Bethea's mailbox, he neglected to follow up with Lance Corporal Bethea to check the status of his own RADAR certification. First Sergeant Castles did not actively take part in scheduling troopers to do the field proficiency with Lance Corporal Bethea, but he allowed each trooper to coordinate this training on an individual basis. First Sergeant Castles stated he was not aware that troopers under his command were not completing field proficiencies, but that he should have realized when his proficiency was never performed, it was probable that other troopers were not completing their proficiencies with Lance Corporal Bethea either.

Based on the evidence documented during this investigation, First Sergeant Castles should have detected that proper protocol was not being followed by Lance Corporal Bethea, when Lance Corporal Bethea failed to schedule a specific time for First Sergeant Castles to conduct a field proficiency test. Had First Sergeant Castles taken appropriate supervisory action, he could have stopped some of this practice prior to others being improperly certified. To illustrate, the evidence showed that thirteen of the twenty seven troopers took part in this conduct after First Sergeant Castles participated in the same inappropriate conduct. During his interview, First Sergeant Castles took full responsibility for his actions during this incident.

#### CLASSIFICATION

#### **ALLEGATION:**

First Sergeant Castles failed in his duties as a Post Commander in ensuring that subordinates under his authority were completing required training to operate RADAR and/or LIDAR- **SUSTAINED**

#### **ALLEGATION:**

First Sergeant Castles knowingly allowed Lance Corporal Bethea to recertify his qualifications without completing the required field proficiency test - **SUSTAINED**